

ORIGINAL
FILE
ORIGINAL
RECEIVED

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

SEP 10 1991

Federal Communications Commission
Office of the Secretary

In the Matter of

Amendment of Part 74 of
the Commission's Rules
and Regulations with
Regard to the Low Power
Television Service

RM-7772

To: The Commission

COMMENTS OF SHERJAN BROADCASTING CO., INC.

1. Sherjan Broadcasting Co., Inc. ("Sherjan") hereby submits these comments, addressed to the above-captioned Petition for Rule Making ("Petition") filed by the Community Broadcasters Association ("CBA") on June 11, 1991.^{1/}

2. Sherjan is the permittee of low power television station W41BF, Coral Gables, Florida. It plans to operate its station with substantial local program origination. Sherjan strongly supports CBA's Petition and urges the Commission to issue a Notice of Proposed Rule Making at an early date. If the Petition is granted, Sherjan will immediately apply for the new "community television" status for W41BF.

3. While fully supporting CBA's Petition and the concept of recognizing local service, Sherjan's own viewpoint

^{1/} Public notice of the Petition was given on August 13, 1991, Report No. 1855.

0 + 9


is slightly different from CBA's in two respects. First, Sherjan sees no benefit in giving LPTV stations a new and separate name, like "community television" stations. If they adhere to the television rules and provide the same level of programming service as conventional television stations, then they should be called "television" stations, because that is what they in fact will be. Sharing the name "television" with conventional stations need not result in any change in the secondary status of those stations that do not operate on a channel listed in the Table of Allotments. However, a notation of secondary status in the station's license is more than adequate to establish that status as a legal matter.

4. Second, Sherjan believes that local programming is very important and that a commitment to local service should be a lasting one. Therefore, once committed to operating as a television station, an LPTV station should not be able to withdraw from and re-obtain that status at will. If a station is granted television status by the Commission, it should be required to commit to a minimum period of service; and if it gives up its television status, it should not be permitted to reapply for a certain period of time, perhaps three years. Such a rule would discourage applications for television status by stations that do not take the local

service obligation seriously or do not have the resources to fulfill their commitment.^{2/}

5. The Commission must recognize that the LPTV industry is alive and active, with many permittees and licensees that have creative ideas and a strong desire to provide local service to their community. It is very important for the Commission to invite comments on how to recognize these efforts. Therefore, Sherjan urges the Commission to issue a Notice of Proposed Rule Making on CBA's Petition at an early date.

Respectfully submitted,
SHERJAN BROADCASTING CO., INC.


Sherwin Grossman
President

4601 Sheridan St.
Hollywood, FL 33021
Tel. 305-963-2211

September 10, 1991

^{2/} Of course, nothing would or should ever restrict any LPTV station from broadcasting as much local programming as it desires, whether it achieves community television status or not. Sherjan's only point is that if a station wants special